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**OFFICE OF PETITIONS
A/C PATENTS**

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In re Application of
Neukermans et al.
Application No. 09/729,336
Filed: December 1, 2000
Attorney Docket No. 2149A

:
: DECISION GRANTING
: PETITION
:
:

This is a decision on the petition filed on April 14, 2001, requesting that a Notice Of Incomplete Nonprovisional Application ("Notice"), mailed on February 21, 2001 for the above-identified application, be withdrawn and that this application be accorded a filing date of December 1, 2000.

The petition is GRANTED.

The application was filed on December 1, 2000. However, on February 21, 2001, the Initial Patent Examination Division mailed the Notice stating that the application had not been accorded a filing date because the application as filed did not include a written description of the invention.

In response, the present petition is filed. Petitioner contends that a written description of the invention is contained in the parent application a copy of which was filed concurrently with the remaining application on December 1, 2000.

Apparently, the present application is a continuation of application 09/446,540, which in turn is a national stage application of PCT/US99/21139. A copy of this PCT application has been located in the Office file for this application. A written description as prescribed in paragraph 1 of 35 U.S.C. 112 as well as 37 CFR 1.53(b) and 1.71 is contained in this copy of PCT application. Therefore, the requirements under 35 U.S.C. 111(a)(4) and 37 CFR 1.53(b) were met on December 1, 2000.

The Notice mailed on February 21, 2001 is hereby withdrawn.

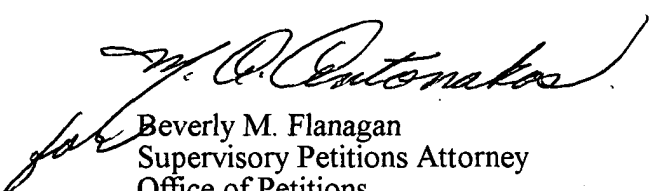
The petition is granted.

In addition, the Office acknowledges receipt of the Supplemental Preliminary Amendment enclosed with the present petition.

The application is being forwarded to the Office of Finance for refunding the \$130.00 petition fee as requested in the present petition.

Thereafter, the application will be returned to the Initial Patent Examination Division for further processing with a filing date of December 1, 2000.

Telephone inquiries concerning this matter may be directed to Petitions Attorney RC Tang at (703) 308-0763.



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for Patent Examination Policy